

401 KAR 45:130. Siting requirements for special waste landfills.

RELATES TO: KRS 224.01, 224.10, 224.40, 224.46, 224.50, 224.99

STATUTORY AUTHORITY: KRS 224.10-100, 224.40-305, 224.50-760

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 224 requires the cabinet to adopt administrative regulations for the management, processing, or disposal of wastes. KRS 224.40-305 requires persons who establish, construct, operate, maintain or permit the use of a waste site or facility to obtain a permit. This administrative regulation sets forth the siting requirements for new special waste landfills and for horizontal expansions to the permitted waste boundaries of special waste landfills permitted prior to June 24, 1992.

Section 1. Buffer Zones. Wastes shall not be placed:

- (1) Within 250 feet of an intermittent or perennial stream unless a water quality certification has been issued pursuant to 401 KAR Chapter 10;
- (2) Within the zone of collapse of deep-mine workings or within the critical angle of draw of such workings;
- (3) Within 250 feet of a sinkhole, or other karst feature suggesting the rapid transmission of water to the water table; or
- (4) Within 100 feet of the property line.

Section 2. Flood Plain. Waste disposed in special waste landfills shall not be placed within the 100-year floodplain of the waters of the Commonwealth unless the applicant complies with 401 KAR 30:031 concerning base flow restriction, temporary water storage capacity reduction, and waste washout. If available, empirical data shall be used to determine the frequency of flood exposure. If data are not available, the frequency of flood exposure shall be established by the unit hydrograph technique.

Section 3. Site Suitability.

- (1) Special waste landfills shall not be sited in an area unless the applicant can demonstrate to the satisfaction of the cabinet that:
 - (a) The uppermost aquifer is capable of being monitored in a manner that detects the presence of any constituent listed in 401 KAR 45:160; and
 - (b) Corrective action of the uppermost aquifer is capable of being performed in accordance with 401 KAR 45:160.
- (2) If the requirements of subsection (1) of this section cannot be achieved, the owner or operator may propose an equivalent statistical procedure that provides reasonable confidence that the migration of leachate from the site is capable of being detected. (18 Ky.R. 3106; eff. 6-24-1992; TAm eff. 10-14-2008; Crt eff. 9-5-2018; TAm eff. 10-15-2018.)